



June 25, 2019

VIA ECF

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Hon. Leda Dunn Wettre, U.S.M.J.  
United States District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

Re: Erin Henderson v. New York Jets, LLC  
Civil Action No. 2:17-cv-10110 (SDW) (LDW)

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Dear Judge Wettre:

On behalf of defendant New York Jets, LLC, I am writing to request a conference call to resolve a dispute regarding the timing of the deposition of an expert witness identified by plaintiff Erin Henderson. Counsel for both parties have conferred about the issue by email on June 21 and 25, 2019 and by telephone on June 25, 2019, have not been able to resolve the dispute, and have agreed to request a conference call.

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Plaintiff has served a report by Michael Lombardi, a former NFL coach and general manager. Mr. Lombardi offers an opinion that the Jets placed plaintiff Erin Henderson on the Non-Football Injury ("NFI") list improperly, and he makes a number of statements about how the NFI list works. The case management order provides that defendant is to serve any expert reports in August and that any expert depositions are to be completed by September. I have notified plaintiff's counsel that we wish to take Mr. Lombardi's deposition in July to allow us to determine whether we need a responsive expert report and, if so, to attempt to narrow the scope of the issues that would need to be addressed in the responsive report. Mr. Lombardi's report contains a number of statements that we believe are unclear, and we believe there is a reasonable chance that we will be able to clarify them through a deposition in a manner that may obviate the need for a responsive expert to address them. We believe the deposition could obviate the need for a responsive expert or would, at a minimum, be very likely to narrow the scope of a responsive report. If we are able to avoid the need for, or narrow the scope of, a responsive report, both sides would save time and money.

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Plaintiff's counsel has taken the position that he will not produce Mr. Lombardi for a deposition until defendant serves a responsive report or certifies that defendant will not be using a responsive expert. He believes it would be unfair for defendant to take Mr. Lombardi's deposition before serving an expert report and that taking the deposition after a responsive expert report is served would allow Mr. Lombardi to respond to the defendant's expert report at his deposition.

We respectfully request a conference call at the Court's convenience to address this issue. If the Court wishes to have either or both parties provide more detailed submissions, we will of course provide them.

Respectfully submitted,

*/s/Adam Saravay*

Adam Saravay

cc: Larry Lavigne, Esq. (by ECF)